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DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING NOTICE:	BOARD OF DENTISTRY & DENTAL HYGIENE
DATE AND TIME:	Thursday, June 20, 2013 at 3:00 p.m.
PLACE:	Cannon Building, Second-Floor Conference Room A 861 Silver Lake Boulevard, Dover, DE 19904
APPROVED:	August 15, 2013

MEMBERS PRESENT

Blair Jones, DMD, Professional Member, President
John Lenz, DDS, Professional Member, Secretary
Lucinda Bunting, DMD, Professional Member
Brian McAllister, DDS, Professional Member
Thomas A. Mercer, DMD, Professional Member
Joan Madden, RDH, Professional Hygiene Member (arrived at 3:10 p.m.)
Buffy Parker, RDH, Hygiene Advisory Member
Debra Bruhl, RDH, Hygiene Advisory Member (departed meeting at 5:00 p.m.)
Bonnie Thomas, RDH, Hygiene Advisory Member (arrived at 3:15 p.m.)
Nathaniel Gibbs, Public Member
Cheryl Calicott-Trawick, Public Member

MEMBERS ABSENT

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Amanda McAtee, Administrative Specialist II
Jennifer Singh, Deputy Attorney General
Pamela C. Zickafoose, Executive Director, Team A

PUBLIC PRESENT

Phillip J. Louie
Sara M. Brown
Katherine Townsend
Laura Townsend
Jill Guerrazzi
Andrew Vari
Amanda Stevenson
Kevin Toussaint
Jessica Romero
Amy Coy
Summer McMenamin
H.W. Zucker
Robert P. Marier
Tom Lanzilotti
Wendy Mauti

CALL TO ORDER

Dr. Jones called the meeting to order at 3:07 p.m.

Introduction of New Professional Board Member, Thomas A. Mercer

Dr. Jones welcomed Dr. Thomas A. Mercer as the Board's newest professional member.

REVIEW AND APPROVAL OF MINUTES

The Board reviewed the minutes of the May 16, 2013 Board meeting. Dr. Lenz made a motion, seconded by Ms. Thomas, to approve the minutes as presented. By unanimous vote, the motion carried.

The Board reviewed the minutes of the May 31, 2013 Calibration Exercise. Dr. McAllister made a motion, seconded by Dr. Bunting, to accept the minutes as presented. By unanimous vote, the motion carried.

DENTAL & DENTAL HYGIENE CLINICAL EXAMS – SCORE REPORTING

The examiners read aloud their scores of the dental and dental hygiene examinations. Ms. McAtee calculated an average score for each candidate and read the final score aloud along with the results of each candidate's jurisprudence examination, as applicable. The final dental exam results were as follows: 1 passed, 7 passed pending the jurisprudence exam. One dental candidate who was registered for the exam was not present for the DOR exam and therefore failed the exam. The final dental hygiene exam results were as follows: 8 passed, 8 passed pending the jurisprudence exam and 9 failed. Two dental hygiene candidates who were registered for the exam did not show.

CONCLUSIONS OF RULES AND REGULATIONS HEARING IN MAY

Dr. Jones stated that the Board currently granted six CE credits for the Give Kids a Smile program and ten CE credits for the residency program and that did not seem to equal out. That fact coupled with the public comments the Board received Dr. Jones stated that he did not support the regulation change. Dr. McAllister suggested that the Board should revisit the topic at a later date and that would be a better option. The Board then voted by majority, with Dr. Mercer abstaining, to rescind the proposed Rules and Regulations change.

UNFINISHED BUSINESS

Status of Dental Legislation

Ms. McAtee stated that the Provisional License Bill passed the Senate and had been moved to the House for vote and that SB 85 had stalled in the Senate.

Presentation on Child Abuse CE Recommendation – Dr. Sharon Welsh

Dr. Sharon Welsh introduced herself for the Board as the Chair of the Delaware State Dental Society on Continuing Education and requested that the Delaware Board of Dentistry and Dental Hygiene consider a mandated continuing education (CE) requirement in the recognition and reporting of child abuse. Dr. Welsh recommended two credits every four years and stated that she had contacted the ADA to find out if other states require a course of this nature. Dr. Welsh stated that Delaware was in the Mid-Atlantic P.A.N.D.A. (Prevent Abuse and Neglect through Dental Awareness) territory and that Philip Sonicare had awarded a grant so that licensees could go online to complete their CE accreditation and that it was not a very expensive process, but a worthy one.

Dr. Jones agreed with the concept but was concerned that they were mandating more and more credits. Dr. Welsh agreed with Dr. Jones but reiterated that the issue was becoming a strong concern across the country and that the course aimed to prevent child abuse. Ms. Madden pointed out that there may be difficulty administratively monitoring compliance for a course that had to be taken every

four years, which would be every other licensure period. Dr. Welsh stated that the course was free online and the Board could require it once a licensure period if it was easier to monitor. Dr. McAllister inquired if there was a certification process like a CPR card for this course. If there was a card issued or a certificate with an expiration date, the licensee could just present that at the time of licensure renewal as they do with a CPR card. Ms. Bruhl felt that all professionals were already trained to report abuse. Dr. Welsh stated that she would get a P.A.N.D.A. representative to address the how other states are implementing the child abuse CE requirement

Continued Discussion on Advertising and Ownership

Dr. McAllister felt that section 1171 of the Statute was vague when referencing ownership and that the Board had to address the topics of ownership of the practice and advertising or communications that affect quality of care. Dr. Jones instructed the Board to research the subject and reconvene on the subject at the August 15, 2013 meeting.

Continued Discussion on Unprofessional Conduct

Ms. Singh stated that the Board should develop their own Rules and Regulations governing unprofessional conduct. Dr. Jones instructed the Board to research the subject and reconvene on the subject at the August 15, 2013 meeting.

Order for Dr. Bruce Fisher

The Board signed the Board Order for Dr. Bruce Fisher.

NEW BUSINESS

RATIFICATION OF LICENSES/PERMITS ISSUED BY DPR SINCE LAST BOARD MEETING

Dentists

Brienne Morelle Flagg

Dr. Lenz made a motion, seconded by Dr. Bunting, to ratify the dental licensure of Brienne Morelle Flagg. By unanimous vote, the motion carried.

Dental Limited – Residents

Michael D. D'Amico

Joanna Grabiak

Kyle D. Green

Ryan M. McCarty

Matthew R. Radant

Derek J. Demianczyk

Caitlin A. Haag

Norman A. Wang

Dr. Lenz made a motion, seconded by Dr. Bunting, to ratify the dental limited-resident licensure of Michael D. D'Amico, Joanna Grabiak, Kyle D. Green, Ryan M. McCarty, Matthew R. Radant, Derek J. Demianczyk, Caitlin A. Haag, and Norman A. Wang. By unanimous vote, the motion carried.

Dental Hygienists – none

Restricted Permit I - None

Restricted Permit II- None

Unrestricted Individual Permit

Samuel C. Nwogu

Dr. Lenz made a motion, seconded by Dr. McAllister, to ratify the unrestricted individual permit licensure of Samuel C. Nwogu. By unanimous vote, the motion carried.

REVIEW OF APPLICATIONS FOR LICENSURE

Bonnie L. Foster, Hygienist

The Board reviewed the hygienist application of Bonnie L. Foster. Ms. Singh stated that Ms. Foster had a criminal background and that her Delaware charges were pardoned. Ms. Singh stated that Ms. Foster had another charge from June of 2001 for possession of heroin and that was a charge that the Board had to consider if it was a felony within 5 years.

Ms. Singh informed the Board that Ms. Foster wrote a letter to the Board stating that she received a pardon for her two guilty convictions in Delaware. Ms. Singh did not see Ms. Foster's letter as being completely forthright, since Ms. Foster made it seem like the Delaware charges were the only ones that existed. Ms. Foster's letter does not mention the possession of heroin charge in which she was convicted and that was a conviction that substantially related to the practice of dental hygiene. Ms. Singh added that section 1122(d) of the Board's Statute stated that if the Board had found that the applicant was fraudulent or false information was supplied that the Board could deny the application.

Dr. Mercer questioned if the limitation was five years and if that could be the reason why she left it out in her letter. Ms. Singh referred the Board to section 1122(c) (4) of the Board's Statute:

(4) Shall not have a criminal conviction record nor pending criminal charge for a crime substantially related to the practice of dentistry or dental hygiene. After a hearing or review of documentation demonstrating that the applicant meets the specified criteria for a waiver, the Board, by an affirmative vote of a majority of the quorum, may waive this paragraph (c)(4), if it finds all of the following:

- a. For waiver of a felony conviction, more than 5 years have elapsed since the date of the conviction. At the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.
- b. For waiver of a misdemeanor conviction or violation, at the time of the application the applicant may not be incarcerated, on work release, on probation, on parole or serving any part of a suspended sentence and must be in substantial compliance with all court orders pertaining to fines, restitution and community service.
- c. The applicant is capable of practicing dentistry or dental hygiene in a competent and professional manner.
- d. The granting of the waiver will not endanger the public health, safety or welfare.
- e. The applicant has not been convicted of a felony sexual offense.

Ms. Singh stated that the Board could either grant the license or propose to deny the license. If the Board voted to propose to deny the license Ms. Foster could request a hearing to explain her criminal history to the Board.

After discussion and review, Ms. Bruhl made a motion, seconded by Ms. Parker, to propose to deny the dental hygiene license of Bonnie L. Foster. The motion carried by majority vote, Ms. Calicott-Trawick abstained from voting.

REVIEW HEARING OFFICER RECOMMENDATIONS

Dr. Robert M. Blitzer

The Board reviewed the hearing officer recommendation for Dr. Robert M. Blitzer. After discussion, Ms. Madden made a motion, seconded by Dr. Lenz, for the Board to adopt the hearing officer recommendation that no discipline be ordered for Dr. Blitzer. The motion carried unanimously.

FINAL DENIAL FOR LICENSURE

Jimiskumar Patel – Hygienist

Ms. Singh stated that Mr. Patel did not request a hearing in connection with the Board's decision to propose to deny licensure. Ms. Calicott-Trawick made a motion, seconded by Ms. Parker, to deny the application of Jimiskumar Patel for licensure as a dental hygienist. The motion carried unanimously.

REVIEW OF CONTINUING EDUCATION COURSE

Overcoming Obstacles to Oral Health: A Training Program for Caregivers of Adults with Disabilities and Frail Elders

Ms. McAtee stated that she was contacted by Eileen Sparling, Project Director for Healthy Delawareans with Disabilities Center for Disabilities Studies at the University of Delaware and wanted the Board to consider granting CE credit for their course Overcoming Obstacles to Oral Health: A Training Program for Caregivers of Adults with Disabilities and Frail Elders. Dr. Jones stated that he would contact Ms. Sparling about the request since the Board did not review CE courses.

COMPLAINT UPDATES

New Complaint Assignments

09-09-13 Dr. Jones
09-10-13 Dr. Bunting
09-11-13 Dr. McAllister
09-12-13 Dr. Lenz
09-13-13 Dr. Lenz
09-14-13 Dr. Bunting
09-15-13 Dr. McAllister

Dr. McAllister made a motion, seconded by Ms. Calicott-Trawick, to ratify the complaint assignments as assigned. The motion carried unanimously.

Complaint Status Updates

09-07-12 Forwarded to Attorney General's Office for Review

CORRESPONDENCE

Katie Albanese – hygienists and laser use

Ms. McAtee stated that she had received a question from a dental hygienist regarding laser use. Dr. McAllister stated that the use of lasers had not been scientifically proven and could harm at high levels. Ms. Madden questioned if there was a training course. Dr. Mercer agreed that the potential to harm existed at high levels. Ms. Singh stated that the Board could not offer advisory opinions and the use of lasers was not covered in the Board's Rules and Regulations. The Board could add this topic for discussion at a later date.

IAOMS – International Externship Program

Ms. McAtee stated that she received correspondence from IAOMS questioning if the Board was interested in an international externship program. Dr. Jones stated that the Board did not have an opinion on the subject and it was not in the Board's scope of practice.

OTHER BUSINESS BEFORE THE BOARD

Disciplined Licensees and Insurance Carriers Limiting Coverage

Ms. Singh stated that the Board could not consider potential insurance coverage issues when determining whether a licensee should be disciplined. The Board's primary purpose was to protect the public and it could not concern itself with the potential loss of business of a licensee. The Board concurred with Ms. Singh.

Upcoming Meetings

Thursday, August 15, 2013

Thursday, October 17, 2013

Thursday, December 19, 2013 (pre-exam meeting)

PUBLIC COMMENT

There was no public comment.

EXECUTIVE SESSION

Dr. Jones made a motion, seconded by Ms. Ms. Calicott-Trawick, to go into executive session to discuss various exam topics. The motion carried unanimously.

NEXT MEETING

The next meeting will be August 15, 2013 at 3:00 p.m. in Conference Room A located on the second floor of the Cannon building at 861 Silver Lake Boulevard, Dover, DE.

ADJOURNMENT

There being no further business to discuss, Ms. Bruhl made a motion, seconded by Dr. Bunting to adjourn the meeting at 5:40 p.m. The motion to adjourn carried unanimously.

Respectfully Submitted,



Amanda McAtee
Administrative Assistant II

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Board members and the public in supplementing their personal notes and recall for presentations.